

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested. Claims 1-3, 52-56, 60-64, 79-98 and 125-137 are currently pending in the application. Claims 1, 55, 79, 80 and 96 are amended herein. Claims 89-91 and 125-137 have been canceled without prejudice.

Claims Rejections 35 U.S.C. §112

Claims 1, 55, 79, 80, 89, 96 and 125 were rejected under 35 U.S.C 112, first paragraph, as failing to comply with the written description and with the enablement requirements. Claim 125 is canceled without prejudice.

In order to overcome these rejections, the phrase "said network node data gatherer being placed in said server" is hereby removed from claims 1, 55, 79, 80, 89 and 96.

Additionally, claims 1, 55, 79, 80, 89 and 96 are hereby amended so as to no longer include the interception of network node data from an Internet gateway.

The Applicant respectfully believes that the amended claims comply with both the written description and the enablement requirements.

Claims Rejections 35 U.S.C. §102

Claims 1-3, 55-56, 60-64 and 86-98 are rejected under 35 U.S.C. §102(e) as being anticipated by Parekh et al. (hereinafter: *Parekh*) U.S. Patent No. 6,757,740. Claims 89-91 have been canceled without prejudice.

In the light of the Examiner's remarks, Applicant has amended independent Claims 1, 55, 89 and 96, in order to further distinguish the present invention in the light of the prior art.

The present invention deals with the problem of determining the geographic location of website visitors. This problem is of particular interest to online commercial entities (such as online stores or content distributors), which are often interested in tailoring their approach to a consumer based on the consumer's location.

The IP address of the consumer, although known, does not in itself identify the consumer's location.

The present invention enables a host to geo-locate a visitor to the site (hereinafter "the user" or "the user client"), by identifying the network node, such as a domain name server (DNS), through which the user connects to the host. The location of the user is determined from the location of the user DNS, which is public knowledge.

In the present invention, the user DNS is identified by redirecting the user, upon entrance into the website, to a web page whose IP address is uniquely assigned to the user. The web page IP address is selected so as to be unknown to the user DNS, thus triggering a query from the user DNS to the host DNS. Since the query is to a web page uniquely-identified with the specific user, a DNS query for the given web page is known to originate from the specific user. The DNS associated with the user, and consequently the location of the user, are thus identified.

In Parekh, geo-location of the user is performed by tagging the web page accessed by the user with an Applet that opens a direct communication channel between the user and the host web site. The route of the communication is then traced back over the network to the user, using standard Internet route commands such as "traceroute". The process of tracing the communication route is complex and typically requires multiple iterations until the origin of the communication may be determined with confidence, as can be seen in Parekh col. 6, line 39 to col. 8, line 47. The computational burden of opening a communication channel and tracing the origin of the channel for each user accessing the site is significant.

In order to overcome the rejections of the Examiner, Applicant has chosen to amend independent claim 1 as follows:

1. Apparatus for determining a current location of a user client in an electronic interaction with a server over a network having a plurality of nodes at different locations, the apparatus comprising:
 - a redirection unit, configured for redirecting said user client to a connectible entity during a direct communication interaction with said server initiated by said user client, *wherein said user client is identifiable from a request to access said connectible entity;*
 - a network node data gatherer configured for:
 - i. *identifying, from a request to access said connectible entity, a network node originating said request,*

- ii. *establishing said identified network node as a network node in the current vicinity of said user client,*
and
- iii. obtaining, according to said direct communication interaction, network node information for said established network node; and

a network node data correlator for correlating said network node information with a network node location map, thereby to provide said server with said current location for said user client, wherein said network node location map is a map of said network, and said network node information is an identification of an Internet gateway used by said user client, and said identification of said Internet gateway is an IP address of said gateway.

Corresponding amendments are made to independent claims 55 and 96.

Support for the above amendments is found inter alia in the description of Fig. 1 in the instant specification (p. 26 line 6 to p. 28 line 18).

The amended independent claims teach that the user is redirected to a connectible entity, such as a web page, in such a way that the user client may be identified from a request to access the connectible entity. In the preferred embodiment, this identification is created by directing the user client to a host name which is unique for each user session (p. 26 lines 20-21 of the instant specification). When an access request is received for the given connectible entity, the user client's network node (which originated the request) is also identified. Once the connection between the user client and the user client's network node is established, the user location may be determined from the known location of the associated network node.

The Applicant respectfully believes that Parekh does not teach establishing a network node (such as a DNS) originating a request to access a connectible entity as being in the vicinity of the user. Since the identity of the originating network node is easily derivable from a standard DNS query, it is not necessary to laboriously trace a dedicated communication route back to the original user, as in Parekh.

The Applicant therefore submits that amended independent claims are clearly distinguished over Parekh.

It is respectfully submitted that independent claims 1, 55 and 96 are both novel and inventive over the cited prior art.

It is believed that the dependent claims are allowable as being dependent on allowable main claims. The specific objections against the dependent claims are therefore not responded to individually.

Claims Rejections 35 U.S.C. §103- Parekh in view of Rudinsky et al

Claims 52-54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Parekh in view of Rudinsky et al U.S. Patent Application No. 2002/0090060 (hereinafter Rudinsky).

Claims 52-54 relate to obtaining further information to assist with geo-locating the user by measuring connection line qualities.

Rudinsky utilizes measurements of a subscriber line in order to identify faults or to estimate the physical structure of the subscriber line. However, the Applicant respectfully asserts that Rudinsky does not relate to Internet communications between a user and a host site in any way. Specifically, Rudinsky does not teach performing line measurements in order to obtain information for geo-locating a user accessing a host site.

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Rudinsky does not teach geo-locating the user by establishing a network node in the vicinity of the user from an access request to the connectible entity (such as a query from the user DNS). Thus neither Parekh nor Rudinsky, alone or in combination, teach or suggest all the limitations of claims 52-54.

It is therefore respectfully submitted that claims 52-54 are both novel and inventive over the cited prior art.

Claims Rejections 35 U.S.C. §103- Parekh in view of Mashinsky et al

Claims 79-85, 125-129 and 133-137 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Parekh* in view of *Mashinsky et al* U.S Patent No. 6,088,436. Claims 125-137 have been canceled without prejudice.

Claims 79 and 80 are hereby amended to be in dependent form, as originally filed.

Although Mashinsky does utilize a form of telephony looping, Mashinsky does not teach geo-locating the user by establishing a network node in the vicinity of the user from an access request to the connectible entity. Therefore, neither Parekh nor Mashinsky, alone or in combination, teach or suggest all the limitations of dependent claims 79 and 80.

It is therefore respectfully submitted that claims 79-80, and claims 81-85 dependent therefrom, are both novel and inventive over the cited prior art.

All of the issues raised by the Examiner have been dealt with.

In view of the foregoing, it is submitted that all the claims now pending in the application are allowable over the cited references. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,



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